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HIGH POINT SARL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Application of HIGH POINT, S.A.R.L.
Pursuant to 28 U.S.C. § 1782,

Applicant

Case No.

**APPLICATION OF HIGH POINT,
S.A.R.L. PURSUANT TO 28 U.S.C. § 1782**

Applicant High Point, S.A.R.L. ("Applicant" or "High Point"), a Luxembourg private limited liability company, hereby applies to this Court for an order, pursuant to 28 U.S.C. § 1782, authorizing it to issue subpoenas and take discovery in connection with litigation currently pending abroad in the Hague District Court and the Court of Appeals in the Hague, in the Netherlands. Specifically, High Point requests that the Court issue an order permitting it to serve subpoenas requesting the production of documents and deposition testimony from Huawei Technologies Co., Ltd. and Futurewei Technologies, Inc., corporations which reside in this district.

Jurisdiction

This Court has jurisdiction over this Application pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1782.

Intradistrict Assignment

This Application seeks documents in the possession, custody, or control of Huawei

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2010 JAN 20 P 3:22
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SBA

Technologies Co., Ltd. and its subsidiary Futurewei Technologies, Inc. Huawei Technologies Co., Ltd., and Futurewei Technologies, Inc. both operate at 1255 Treat Blvd., Suite 308, Walnut Creek, California 94597, which is in Contra Costa County. Futurewei Technologies, Inc. maintains its headquarters for research and development at 2330 Central Expressway, Santa Clara, California 95050, which is in Santa Clara County. Pursuant to Civil Local Rule 3-2, this action may therefore be assigned to the San Francisco Division, Oakland Division, or San Jose Division of this Court.

Grounds for Application


This Application is brought on the grounds that: (1) the discovery sought is for use in a proceeding before a foreign tribunal; (2) the discovery sought is from an entity that is found in this district; and (3) the Application is made by an interested party.

This Application is based on this Application of High Point S.A.R.L. Pursuant to 28 U.S.C. § 1782, the accompanying Memorandum of Law in Support of the Application of High Point S.A.R.L. Pursuant to 28 U.S.C. § 1782, and the supporting Declarations of Michael Barnet Spiro, John Allen, and Daniel B. Epstein, submitted herewith.

Respectfully submitted,

Dated: January 20, 2010

DECHERT LLP

By: 
Jong P. Hong
Daniel B. Epstein

Attorneys for Applicant
HIGH POINT S.A.R.L.